IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 10411 of 2002

For Approval and Signature:

HON'BLE MR.JUSTICE M.R. SHAH

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1. Whether Reporters of Local Papers may be allowed to see the judgements? : NO

2. To be referred to the Reporter or not? : NO

3. Whether Their Lordships wish to see the fair copy of the judgement? : NO

4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO

5. Whether it is to be circulated to the concerned Magistrate/Magistrates,Judge/Judges,Tribunal/Tribunals? : NO

SHREE MAHALAXMI HOMEOPATHY MEDICAL COLLEGE

Versus

STATE OF GUJARAT

Appearance:

1. Special Civil Application No. 10411 of 2002

MR PRADEEP PATEL for Petitioner No. 1

MR DIPEN DESAI, AGP for Respondent No. 1-2

RULE SERVED BY DS for Respondent No. 1-2

MR KG PANDIT for Respondent No. 3

RULE NOT RECD BACK for Respondent No. 3

CORAM : HON'BLE MR.JUSTICE M.R. SHAH

Date of decision: 20/10/2004

ORAL JUDGEMENT

#. In this petition filed under Article 226 of the Constitution of India, the petitioner has challenged inaction on the part of respondent nos.1 and 2 of not giving admission to 100 students in the petitioner college through the Centralised Admission System pursuant to the communication of respondent No.3, i.e. Central Council of Homeopathy sanctioned 100 seats for the years 2002-2003 and 2003-2004 and thereafter, this Court while admitting the petition, passed the following order on 17.10.2002.:

"2. Considering the facts and circumstances of the case, since it has been contended on behalf of the State Government that if the petitioner College files the undertaking to comply with all the norms as per Central Council of Homeopathy, the Centralised Admission Committee has no objection in considering and treating the intake capacity of the petitioner college as that of 100.

3. In view of the above, by way of interim order, it is directed that the petitioner shall file an undertaking to this Court within a period of two days from today to the effect that it shall comply with all the norms for the purpose of creating facilities for running college having intake capacity of 100 and if any facilities are short, the same shall be made available before the beginning of the term. Upon the filing of the said undertaking, respondents No.1 and 2 are directed to consider the intake capacity of the petitioner as that of 100 students and shall undertake the process for grant of admission in accordance with law. It will be open to the either party to report to tis Court regarding compliance and/or breach of undertaking, if it is brought to their notice."

#. Today, when the matter is called out, Mr.Nikhil Joshi, who appears for Mr.Pradip Patel, learned advocate for the petitioner, states that pursuant to the order passed by this Court and even independently, respondent Nos.1 and 2 have granted / admitted 100 students in the petitioner college pursuant to the increase of seats by respondent No.3 - Central Council of Homeopathy. It is not in dispute that the Central Council of Homeopathy has increased the strength of the students from 75 to 100 in the petitioner institution. Not only that, even subsequently also, vide resolution dated 15.11.2002, the

State Government has also passed the resolution increasing the strength of the students from 75 to 100 in the petitioner institution. The resolution dated 15.11.2002 is ordered to be taken on record. In that view of the matter, now nothing further is required to be done in the present petition. Accordingly, the present petition is disposed of. Rule is made absolute to the aforesaid extent with no order as to costs.

(M.R.Shah,J)

(pathan)